



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,343	04/05/2000	Yasuyuki Ogawa	35.C14412	6884

5514 7590 04/02/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
----------	--------------

2612

5

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,343

Applicant(s)

OGAWA, YASUYUKI

Examiner

Timothy J Henn

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: IMAGE PROCESSING APPARATUS WITH A SEPARATE DISPLAY FOR DISPLAYING SYSTEM STATUS, ITS CONTROL METHOD AND RECORDING MEDIUM.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 3, 10 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The office notes that the specification discloses two display devices (i.e. Figure 1A, Items 28 and 54), however claims 3, 10 and 15 potentially claim three separate display devices (i.e. "display means", "another display unit" and "warning means" that is a "display means different from said display means for display and image").

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 4-8, 11-14, 15/8, 15/11-15/14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakenaka et al. (US 6,075,949) in view of Anderson et al. (US 5,963,255).

[claim 1]

6. In regard to claim 1, note that Hatakenaka et al. discloses an image processing apparatus comprising recording means (Figure 3, Item 5) for recording given image data or data other than the image in a recording medium, display means for displaying an image (Figure 3, Item 7), power supply means for supplying electric power to the display means (Figure 3, Items 13 and 14) and a second display means for displaying the status of the camera (Figure 1, Item 19) and wherein power consumption of the second display unit is lower than power consumption of the display means (it is inherent that a smaller LCD, such as those used to provide status displays on cameras, will use less power than a larger LCD, such as those used to preview images on cameras). Therefore, it can be seen that Hatakenaka et al. lacks judging means for judging, during write of the image data or the data other than the image data in the recording medium, if a power supply capacity of the power supply becomes smaller than a predetermined first capacity and power supply control means for reducing the electric power to be supplied to the display means when the supply capacity of the power supply becomes smaller than the predetermined first capacity wherein, when the power supply control

means reduces the electric power to be supplied to the display means, the second display means is used to display that a process is being executed.

7. Anderson et al. discloses a system for managing utilization of a battery in a camera which includes the judging means (Column 5, Line 59 – Column 6, Line 16) and power supply control means (Column 7, Lines 23-59) as claimed to allow the camera to maximize its battery's useful life (Column 2, Lines 46-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the battery maximization techniques of Anderson et al. with the camera of Hatakenaka et al. to maximize the useful life of the camera's batteries. The office notes that by using the system of Anderson et al. where the camera is reconfigured into a series of lower power consumption states it is inherent that when the larger LCD display (Figure 3, Item 7) is disabled, the smaller second display (Figure 1, Item 19) will continue to display the status of the camera or a notification "that a process is being executed".

[claim 4]

8. In regard to claim 4, note that Anderson et al. discloses an image processing apparatus which includes the ability to prohibit the function of camera accessories, such as the memory recording means, from functioning if the battery check determines that the power supply capacity is below a capacity level (Column 5, Line 59 – Column 6, Line 16).

[claim 5]

9. In regard to claim 5, note that one of the power sources of Hatakenaka et al. is a battery (Figure 3, Item 13).

[claim 6]

10. In regard to claim 6, note that Hatakenaka et al. in view of Anderson et al. lacks a recording medium which is detachable from main camera body. However, it is well known in the art to use detachable memory cards for saving images in digital cameras to allow easy expansion of the cameras memory and easy transportation of the images which have been saved (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the recording medium detachable from the main camera body.

[claim 7]

11. In regard to claim 7, note that Hatakenaka et al. discloses an image processing apparatus, which includes image data output means (Figure 3, Item 8) to output image data to an external printer (Figure 3, Item 31), and that the power supply control means of Anderson et al. controls power to all camera systems, including an input/output device (Figure 4, Item 60).

[claims 8, 11-14]

12. Claims 8 and 11-14 are method claims corresponding to apparatus claims 1 and 4-7. Therefore, claims 8 and 11-14 are analyzed and rejected as previously discussed with respect to claims 1 and 4-7.

[claims 15/8 and 15/11-15/14]

Art Unit: 2612

13. In regard to claims 15/8 and 15/11-15/14 note that Hatakenaka et al. in view of Anderson et al. discloses all limitations except for a computer program or software implementation of the methods claimed. However, it is well known in the art to implement methods in software to allow for easy upgrades to the system in the future without the need for re-designed hardware components (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claims 8 and 11-14 in software to allow for easy upgrades in the future.

[claims 16 and 17]

14. In regard to claims 16 and 17, it is noted that claims 1 and 2 disclose all limitations of claims 16 and 17 with the addition of a display device. Therefore, claims 16 and 17 are analyzed and rejected as previously discussed with respect to claims 1 and 2. The office further notes that claims 16 and 17 contain the limitation "wherein power consumption of said another display unit is lower than power consumption of the image processing apparatus". This limitation is inherent in the system of both the claim and the camera of Hatakenaka et al. Since the display device is only one component of an overall system including multiple components, the display device must have a lower power consumption than the overall system which includes the display device.

[claim 18]

15. In regard to claim 18 note that Hatakenaka et al. in view of Anderson et al. discloses all limitations except for a computer program or software implementation of the methods claimed. However, it is well known in the art to implement methods in

Art Unit: 2612

software to allow for easy upgrades to the system in the future without the need for re-designed hardware components (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claim 17 in software to allow for easy upgrades in the future.

16. Claims 2-3, 9-10 and 15/9-15/10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakenaka et al. (US 6,075,949) in view of Anderson et al. (US 5,963,255) in view of Nagata et al. (US 5,527,630).

[claim 2]

17. In regard to claim 2, Hatakenaka et al. (US 6,075,949) in view of Anderson et al. discloses an image processing apparatus, which meets the requirements set forth in claim 1 as discussed above. Also note that Anderson et al. discloses a plurality of voltage level thresholds for performing different "power reduction techniques" at each of the different levels. Therefore, it can be seen that Anderson et al. lacks a second capacity larger than the first capacity wherein a warning is displayed if power supply capacity becomes smaller than the second capacity. Nagata et al. discloses displaying an alarm (Figure 2) when a battery check fails to be above a threshold level. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a displayed alarm if the battery check of Anderson et al. is found to be below a second power capacity which is greater than a first power capacity in order to warn the user that the battery is becoming depleted.

[claim 3]

18. In regard to claim 3, note that Hatakenaka et al. discloses a system status or "warning" display (Figure 1, Item 19) which is different from the display means for displaying an image (Figure 3, Item 7).

[claims 9 and 10]

19. Claims 9 and 10 are method claims corresponding to apparatus claims 2 and 3. Therefore, claims 9 and 10 are analyzed and rejected as previously discussed with respect to claims 2 and 3.

[claim 15/9 and 15/10]

20. In regard to claims 15/9 and 15/10 note that Hatakenaka et al. in view of Anderson et al. in view of Nagata et al. discloses all limitations except for a computer program or software implementation of the methods claimed. However, it is well known in the art to implement methods in software to allow for easy upgrades to the system in the future without the need for re-designed hardware components (Official Notice). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of claims 9 and 10 in software to allow for easy upgrades in the future.

Response to Arguments

21. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

22. The applicant argues that "Hatakenaka does not disclose or suggest that when the power control means reduces the electric power supplied to the display means or

the image processing apparatus, another display unit, with a power consumption that is lower than that of the display means or to the image processing apparatus, is used to show that an process is being executed or has been stopped". While it is true that Hatakenaka does not disclose a power control means, Hatakenaka does disclose a second display which is used to inform the user of the status of the camera (Column 3, Lines 10-15). By combining the dual display of Hatakenaka with the battery life maximizing system of Anderson, such a system becomes obvious as described above.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in process indicators on camera systems.

i. Bell

US 5,784,525

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
3/17/2004


NGOC-YEN VU
PRIMARY EXAMINER